



PATENT

Customer No. 22,852  
Attorney Docket No. 3495.0010-24

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

March ALIZON et al.

Application No.: 08/475,822

Filed: June 7, 1995

) Group Art Unit: 1637  
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For: CLONED DNA SEQUENCES  
RELATED TO THE GENOMIC RNA  
OF LYMPHADENOPATHY-  
ASSOCIATED VIRUS (LAV) AND  
PROTEINS ENCODED BY SAID  
LAV GENOMIC RNA

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, the United States of America as represented by the Secretary of the Department of Health and Human Services having its principal place of business at 900 Rockville Pike, Bethesda, Maryland 20892, represents that it, together with Institut Pasteur of Paris, France, are the owners of 100% of the right, title and interest in and to the above-identified application. The United States of America as represented by the Secretary of the Department of Health and Human Services, further represents that it, together with Institut Pasteur of Paris, France, are the owners of 100% of the right, title and interest in and to U.S. Patent No. 6,627,395.

06/06/2006 SZEWDIE1 00000025 08475822

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To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,627,395. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of Assignee, the United States of America as represented by the Secretary of the Department of Health and Human Services.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and

further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By:

  
Name: JACK S. PIEZEL (REG # 34477)  
Title: SENIOR ADVISOR FOR TECHNOLOGY TRANSFER OPERATIONS  
Assignee: The United States of America  
as represented by the Secretary  
of the Department of Health and  
Human Services

Dated: JUNE 5, 2006



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Application No.: 08/475,822 ) Examiner: Jeffrey N. Fredman  
Filed: June 7, 1995 ) Confirmation No.: 4214  
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**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUBMISSION OF TERMINAL DISCLAIMER**

Applicants submit herewith two (2) Terminal Disclaimers in the above-referenced application, one executed by assignee INSTITUT PASTEUR and one executed by assignee THE UNITED STATES OF AMERICA AS REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Please associate these papers with the above-identified application. The requisite fee of \$260.00 is enclosed.



Please grant any extensions of time required to enter these papers and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 5, 2006

By: 

Salvatore J. Arrigo  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, Institut Pasteur, duly organized under the laws of France and having its principal place of business at 28, rue du Docteur Roux, 75724 Paris Cedex 15, FRANCE, represents that it, together with the United States of America as represented by the Secretary of the Department of Health and Human Services, are the owners of 100% of the right, title and interest in and to the above-identified application. Assignee, Institut Pasteur, further represents that it, together with the United States of America as represented by the Secretary of the Department of Health and Human Services, are the owners of 100% of the right, title and interest in and to U.S. Patent No. 6,627,395.

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In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of Assignee, Institut Pasteur.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: A. Dautry

Name: Alice Dautry  
Title: President  
Assignee: Institut Pasteur

Dated: \_\_\_\_\_

June (8<sup>th</sup>), 2006